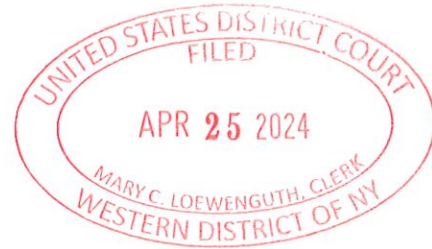


UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK



SILVON S. SIMMONS,

Plaintiff,

VERDICT FORM

vs.

Case # 17-CV-6176

JOSEPH M. FERRIGNO II, SAMUEL GIANCURSIO,
AND THE CITY OF ROCHESTER,

Defendants.

We the Jury, return the following verdict in Silvon S. Simmons v. Joseph M. Ferrigno II, Samuel Giancursio, and the City of Rochester, Case No. 17-CV-6176:

LIABILITY

FIRST CLAIM: FALSE ARREST

1. Do you find, by a preponderance of the evidence, that, on or about April 1, 2016, within the Western District of New York, Defendant Joseph M. Ferrigno II, while acting under color of state law, subjected Plaintiff Silvon S. Simmons to an unlawful arrest in violation of Plaintiff's Fourth Amendment rights?

Yes _____

No ✓

2. Do you find, by a preponderance of the evidence, that, on or about April 1, 2016, within the Western District of New York, Defendant Samuel Giancursio, while acting under color of state law, subjected Plaintiff Silvon S. Simmons to an unlawful arrest in violation of Plaintiff's Fourth Amendment rights?

Yes _____

No ✓

SECOND CLAIM: EXCESSIVE FORCE

3. Do you find, by a preponderance of the evidence, that, on or about April 1, 2016, within the Western District of New York, Defendant Joseph M. Ferrigno II, while acting under color of state law, subjected Plaintiff Silvon S. Simmons to excessive force in violation of Plaintiff's Fourth Amendment rights?

Yes _____ No ✓

4. Do you find, by a preponderance of the evidence, that, on or about April 1, 2016, within the Western District of New York, Defendant Samuel Giancursio, while acting under color of state law, subjected Plaintiff Silvon S. Simmons to excessive force in violation of Plaintiff's Fourth Amendment rights?

Yes _____ No ✓

THIRD CLAIM: MALICIOUS PROSECUTION (§ 1983)

5. Do you find, by a preponderance of the evidence, that, on or about April 1, 2016, within the Western District of New York, Defendant Joseph M. Ferrigno II, while acting under color of state law, maliciously prosecuted Plaintiff Silvon S. Simmons in violation of Plaintiff's Fourth Amendment rights?

Yes _____ No ✓

6. Do you find, by a preponderance of the evidence, that, on or about April 1, 2016, within the Western District of New York, Defendant Samuel Giancursio, while acting under color of state law, maliciously prosecuted Plaintiff Silvon S. Simmons in violation of Plaintiff's Fourth Amendment rights?

Yes _____ No ✓

FOURTH CLAIM: DENIAL OF THE RIGHT TO A FAIR TRIAL

7. Do you find, by a preponderance of the evidence, that, on or about April 1, 2016, within the Western District of New York, Defendant Joseph M. Ferrigno II, while acting under color of state law, deprived Plaintiff Silvon S. Simmons's of his right to a fair trial in violation of Plaintiff's Fourteenth Amendment rights?

Yes _____ No ✓

8. Do you find, by a preponderance of the evidence, that, on or about April 1, 2016, within the Western District of New York, Defendant Samuel Giancursio, while acting under color of state law, deprived Plaintiff Silvon S. Simmons of his right to a fair trial in violation of Plaintiff's Fourteenth Amendment rights?

Yes _____ No ✓

FIFTH CLAIM: BATTERY

9. Do you find, by a preponderance of the evidence, that, on or about April 1, 2016, within the Western District of New York, Defendant Joseph M. Ferrigno II committed the tort of battery against Plaintiff Silvon S. Simmons?

Yes _____ No ✓

10. Do you find, by a preponderance of the evidence, that, on or about April 1, 2016, within the Western District of New York, Defendant Samuel Giancursio committed the tort of battery against Plaintiff Silvon S. Simmons?

Yes _____ No ✓

SIXTH CLAIM: ASSAULT

11. Do you find, by a preponderance of the evidence, that, on or about April 1, 2016, within the Western District of New York, Defendant Joseph M. Ferrigno II committed the tort of assault against Plaintiff Silvon S. Simmons?

Yes _____ No ✓ _____

12. Do you find, by a preponderance of the evidence, that, on or about April 1, 2016, within the Western District of New York, Defendant Samuel Giancursio committed the tort of assault against Plaintiff Silvon S. Simmons?

Yes _____ No ✓ _____

SEVENTH CLAIM: MALICIOUS PROSECUTION (NEW YORK STATE LAW)

13. Do you find, by a preponderance of the evidence, that, on or about April 1, 2016, within the Western District of New York, Defendant Joseph M. Ferrigno II committed the tort of malicious prosecution against Plaintiff Silvon S. Simmons?

Yes _____ No ✓ _____

14. Do you find, by a preponderance of the evidence, that, on or about April 1, 2016, within the Western District of New York, Defendant Samuel Giancursio committed the tort of malicious prosecution against Plaintiff Silvon S. Simmons?

Yes _____ No ✓ _____

DAMAGES:

If you answered “yes” to any of Question 1–14, please answer Question 15. If you answered “no” to all of Questions 1–14, please proceed to Question 18.

COMPENSATORY OR NOMINAL DAMAGES

15. What amount of compensatory or nominal damages will fairly and adequately compensate Plaintiff Silvon S. Simmons for the injuries or other damages that were proximately caused by Defendant(s)?

Compensatory Damages \$ _____

or

Nominal Damages \$ _____

Only if you find that Plaintiff Silvon S. Simmons is entitled to receive compensatory or nominal damages, proceed to answer Question 16. If otherwise, proceed to Question 18.

16. What amount, if any, of punitive damages is Plaintiff Silvon S. Simmons entitled to recover for the acts of Defendant Joseph M. Ferrigno II?

Punitive Damages \$ _____

17. What amount, if any, of punitive damages is Plaintiff Silvon S. Simmons entitled to recover for the acts of Defendant Samuel Giancursio?

Punitive Damages \$ _____

18. Was your verdict unanimous?

Yes ✓

No _____

I certify the above verdict to be true and accurate.

4/25/2024
Date

Foreperson Name Redacted